

February 13, 2023



Des Gillen

President

BP-Husky Refining LLC

4001 Cedar Point Road

As to the United States:

eescdcopy.enrd@usdoj.gov

Re: DJ # 90-5-2-1-09244/2

As to EPA Headquarters:

foley.patrick@epa.gov

RefineryCD@ERG.com

As to EPA Region 5:

loukeris.constantinos@epa.gov

r5ardreporting@epa.gov

letuchy.alexandra@epa.gov

mcauliffe.mary@epa.gov

galinsky.virginia@epa.gov

grubb.christopher@epa.gov

As to the State of Ohio:

Aaron.Farmer@OhioAGO.gov

Philip.Stiff@toledo.oh.gov

Karen.Granata@toledo.oh.gov

John.Paulian@epa.ohio.gov

Peter.Park@toledo.oh.gov

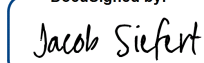
Re: United States of America, et.al. v. BP Products North America Inc. and BP-Husky Refining LLC
Northern District of Ohio, Western Division
Civil Action No. 3:20CV190
Consent Decree: Final QQQ Notice

NO USEPA ACTION REQUIRED: Information is being submitted for information purposes only.

In accordance with Part VI.C ¶ 34 of the referenced Consent Decree, attached is the Final QQQ Notice.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Regards,

DocuSigned by:

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Jacob Siefert (as Delegate of Authority to Des Gillen)
HSE&C Senior Manager
Toledo, BP Products North America Inc.

cc: Refinery Manager
BPH Toledo Refinery
des.gillen@se1.bp.com

HSE&C Senior Manager
BPH Toledo Refinery
jacob.siefert@bp.com

Senior Counsel – US HSSE & Refining
BP America Inc.
jessica.gonzalez@bp.com

BPH Toledo Refinery
gtolconsentdecree@bp.com

Attachment

1. NSPS QQQ Audit Corrective Actions

a. QQQ Audit – CD Section VI.C - ¶29 - ¶32

The Defendants shall conduct and complete an audit (“QQQ Audit”) of the Toledo Refinery’s compliance with Subpart QQQ of the NSPS, promulgated at 40 C.F.R. Part 60, Subpart QQQ (“NSPS Subpart QQQ”). The Defendants shall complete the QQQ Audit by the later of September 30, 2019 or 30 Days after the Effective Date.

A final report detailing the findings and conclusions of the QQQ Audit shall be submitted to EPA within ninety (90) Days of completing the QQQ Audit (the “QQQ Audit Report”).

An audit of the Refinery’s compliance with NSPS Subpart QQQ (the “QQQ Audit”) was completed by Environmental Resource Management (ERM), a third-party contractor, on April 22, 2020. A final report detailing the findings and conclusions of the QQQ Audit was submitted on July 21, 2020, within ninety (90) Days of completing the QQQ Audit (the “QQQ Audit Report”).

b. QQQ Audit Report Corrective Action Plan – CD Section VI.C ¶33

The QQQ Audit Report shall also include a corrective action plan specifying all projects necessary to bring the applicable parts of the Refinery into compliance with NSPS Subpart QQQ. The corrective action plan shall include an implementation schedule. In the event that further work is required to determine the appropriate corrective action, the QQQ Audit Report shall include an explanation of the additional work and a proposed schedule for completing both the additional work and the chosen corrective action.

The QQQ Audit Report included a corrective action plan and proposed implementation schedule. The report was completed on April 22, 2020, and submitted to USEPA on July 21, 2020. Comments were not received from USEPA or Ohio EPA on the corrective action plan and proposed implementation schedule. As of 12/28/2022, the Refinery had completed all items included in the corrective action plan consistent with the timeline in the implementation schedule. A final action plan is attached to this notification.

c. QQQ Compliance Plan Beyond 2 Years– CD Section VI.C - ¶33

If the compliance plan extends for more than two years after the date of the QQQ Audit Report, the Defendants shall submit progress reports every two years until all corrective actions have been completed. These progress reports may be included as part of the Semi-Annual Reports required pursuant to Section IX of the Consent Decree.

The compliance plan and all corrective actions are complete. Therefore, biennial progress reports are not required by the Consent Decree.

d. QQQ Final QQQ Notice – CD Section VI.C - ¶35

Within sixty (60) Days of completing all corrective actions identified in the QQQ Audit Report's corrective action plan, the Defendants shall submit a written report (hereinafter the "Final QQQ Notice") to EPA, confirming that the Defendants have completed all corrective actions required by the QQQ Audit Report.

All corrective actions identified in the corrective action plan have been completed as of 12/28/2022, as required by the implementation schedule. This notice serves as the written report (the "Final QQQ Notice"), and it is being submitted to USEPA within sixty (60) days of completion of the work required by the corrective action plan.

e. QQQ Inspection and Monitoring – CD Section VI.C- ¶36

Beginning no later than the Effective Date, the Defendants shall conduct semi-annual inspections of the unburied portions of sewer lines in the process wastewater system at the Toledo Refinery that are subject to NSPS Subpart QQQ, including vent pipes and cleanouts, as required by 40 CFR § 60.692-2(c), for indications of cracks, gaps, or other problems that could result in VOC emissions. For cleanouts and manholes, these inspections shall also ensure that each cleanout cover and manhole cover is securely in place and has a tight seal around the edge. Whenever cracks, gaps, or other problems that could result in VOC emissions are detected during these semi-annual inspections, repairs shall be made as soon as practicable, but not later than 15 Days after identification, except as provided in 40 C.F.R. § 60.692-6.

Semi-annual inspections of the unburied portions of sewer lines in the process wastewater system that are subject to NSPS Subpart QQQ, including vent pipes and cleanouts, as required by 40 CFR § 60.692-2(c), for indications of cracks, gaps, or other problems that could result in VOC emissions are being conducted. These inspections include work to confirm that each cleanout cover and manhole cover is securely in place and equipped with a tight seal.

Attachment

QQQ Corrective Action Plan

Audit Finding #	Audit Finding	Project Description/Area	Corrective Action	Corrected Date
1a	Sewer components need to be added to four different QQQ affected facilities currently in the BPH QQQ management program so the full boundaries of the affected facilities are appropriately designated.	Coker Gas Plant	Added two downstream manholes to QQQ Management Program. All catch basins and safety shower drain meet QQQ design criteria.	9/30/2020
		Coker 3 service area	Added three drain hubs and one catch basin to QQQ management program.	9/30/2020
		NHT Feed and Desalter area	Added components to QQQ management program. Equipped three drain hubs, one (1) area drain with water seal insets.	12/31/2021
		East Flare KO Pumps	Components in management program. New equipment was not yet in service at time of the QQQ audit.	No Action
1b	Sewer components need to be added to two different QQQ affected facilities currently in the BPH QQQ management program, so the full boundaries of the affected facilities are appropriately designated or modificationcost tests need to be performed to document whether changes were significant enough to trigger the 7% NSPS modification cost test threshold.	Hydrogen/Utilities Area	Accepted QQQ applicability. Equipped three (3) area drains, seven (7) hub drains, and one (1) catch basin with water seal inserts.	12/28/2022
		Desalter make-up pumps	No action, drains flow into a catch basin in the existing configuration constructed prior to May 4, 1987.	12/31/2020
1c	BPH inadvertently included three QQQ affected facilities in its QQQ management program that were never subject to QQQ applicability.	Flare Gas Recovery	Removed from QQQ Management Program. Notified EPA via submittal of Audit Response Report	7/21/2020
		BGOT Recycle Gas Compressor	Removed from QQQ Management Program. Notified EPA via submittal of Audit Response Report	7/21/2020
		Fresh Acid Tank	Removed from QQQ Management Program. Notified EPA via submittal of Audit Response Report	7/21/2020
1d	One project previously determined non applicable to QQQ (2015 Applicability Assessment Report) was determined applicable in this audit. (1993 Benzene Stripper Project), The boundaries of the affected facility will add approximately 14 drain hubs, 4 clean-outs, 10 catch basins and 5 manholes to the current QQQ management program.	Benzene Stripper	Added components to management program. Six (6) downstream catch basins were equipped with water seal inserts.	12/28/2022
2	Documentation provided to verify monthly water level measurements taken at manholes in the Reformer #3 unit and the East Tank farm was insufficient to conclude that active drains had a sufficient water seal.	Reformer 3	Reformer 3 underground piping schedule elevations show that all drain condensate lines and shower drain lines are below designed manhole water level. Designed manhole water level is verified monthly by inspection.	11/31/2020
3	The semiannual unburied sewer inspections were not documented. The inspection log sheets do not include a place to note inspection of the short lengths of above-ground piping (unburied sewer) at the lift stations, the overhead line from the oil-water separators to the slop oil tanks, and the line from the slop tanks back to the process area. The wastewater operation preforms daily line walks and any leaks of the line to the slop tank would be noted and corrected. The line from the slop tank back to the process would be noted by personnel driving to the wastewater treatment plant.	Unburied sewer lines	Added nomenclature "unburied sewer lines" to inspection sheets for all lift stations. Added Slop Oil return line to QQQ Managemet Plan.	6/30/2020
4	Drains from slop oil tanks 79 and 697 do not have water seal.	Slop Oil Tanks	Added area drains to management program. Both area drains were equipped with water seal inserts.	12/31/2021
5	The total gap area for the slop oil tanks 79 and 697 were not included in inspection reports.	Slop Oil Tanks (Gap)	Tanks 79 and 697 are internal floating roof tanks and are not subject to the separator floating roof inspection guidelines outlined in 40 CFR 60.693-2(a)(1)(ii)(B). 40 CFR 60.692-3(d) allows for an exemption of tanks 79 and 697 (slop oil tanks) from this Subpart. Tanks are managed under the regulatory guidelines and inspection criteria of 40 CFR, (Kb) 60.113b.	No Action
6	Approximately, one-third of the hatches on the 90-degree channel and oil water separator were not fully latched. The facility may be able to demonstrate that the latching of at least the two latches opposite the hinge of the hatch provides a tight seal.	WWTU Hatches	In all cases, the covers did have a tight seal because at least 1 latch on each cover was latched. All latches observed as unlatched by auditor were latched at the time of inspection. BP-Husky will emphasize the importance to Operators on the correct closed position for all access hatches not in active service. Latches are not necessary to maintain a tight seal on these gasketed hatches.	7/21/2019
7	The slop oil channel (formerly the skimmer on the three bays that are out of service) at the end of the secondary oil water separator is not covered. The channel is used to move oil from the adjacent in-service oil skimmers to the underground conduit to the slop oil pumps. The uncovered portion is approximately 8 feet in length, 1-foot width.	Secondary Slop Oil Channel	This area was covered with a temporary plastic cover while a permanent sealed cover was being designed. The permanent sealed cover was installed on the slop oil trough on January 20, 2020 and has been added to the QQQ Management Program.	1/20/2020

Attachment

QQQ Corrective Action Plan

Audit Finding #	Audit Finding	Project Description/Area	Corrective Action	Corrected Date
8	New individual drain systems were installed as part of the flare gas recovery, west flare knock-out and seal drain, and TFO projects. A certification of necessary equipment to meet the standard was supplied for the TFO project, but the submittal did not include the information regarding the initial inspection. No certification that the necessary equipment was installed or that the initial inspection had been carried out for the flare gas recovery and west flare knock-out could be located. The flare gas recovery and TFO projects were subject to PTI air permitting. Submittal of the notification of date of construction, and actual date of initial startup could not be verified for the above-mentioned projects. Reports to Air Services for the projects with air permitting PTI were not evident, but there may be a startup date inserted into the Profile in Air Services. Initial startup would be when the individual drain hub becomes an "Active drain", defined as receiving refinery wastewater from a process unit. The above-mentioned projects do not appear to require the notification that an alternate standard for an individual drain system or oil-water separator was necessary, but the notifications available do not indicate that this aspect of QQQ notifications has been considered.	Flare Gas Recovery, West Flare, TFO	BP-Husky will add specific QQQ language in future Air PTI startup notifications that certifies all necessary equipment was installed and initial inspections have been completed. For all future projects that trigger NSPS Subpart QQQ, BP-Husky will use the MOC and IRIS systems to ensure all startup certifications are completed within the designated time frame prior to closing/completing the project within the system.	7/21/2020
9	Modified QQQ subject equipment was installed as part of the BGOT recycle gas compressor, flare gas recovery, east flare KO drum pumps and WWTU 18" sewer reroute projects. The construction notification (at least 60 days prior) would have been submitted by way of the PTI application for the BGOT and flare gas recovery projects. An air permitting PTI was not required for the east flare KO drum and WWTU 18"sewer reroute projects. There was no documentation to show a construction notification was submitted regarding the QQQ modified equipment.	BGOT, Flare Gas Recovery, East Flare KO, 18' Reroute	For all future projects that trigger NSPS Subpart QQQ, BP-Husky will use the MOC system to ensure all construction notifications are completed at least 60 days prior to construction. BP-Husky will continue to use the Air PTI process as notification for QQQ regulated construction notifications that require an Air Permit. Local rule OAC 3745-42 requires a Water PTI for all projects requiring a modification or addition of sewer lines and components. BP-Husky will use the MOC system to ensure all construction notifications are completed within the time frame for projects that trigger QQQ and a Water PTI. The submitted ERM Report shall serve as notification of any missed construction notification.	7/21/2020
10	Semiannual reports representing the June 27, 2015 and April 20, 2019 overflow events from the sewer collection system into the South Impoundment as "other problems identified that could result in VOC emissions" (40 CFR 60.698) meeting the 40 CFR 60.2 definition of a drain system "malfunction" were not available.	South Pond	The ERM Report shall serve as notification of the two aforementioned overflow events causing collection of wastewater within the South Pond Impoundment Basin. BP-Husky has updated the Refinery's QQQ Procedure to capture South Pond influent events on Semiannual Reports. On the rare occasion of a future malfunction and overflow of wastewater into South Pond, BP-Husky will document the event in the following semi-annual report.	7/21/2020



Des Gillen
President
BP-Husky Refining LLC
4001 Cedar Point Road
Oregon, OH 43616
P 567.698.4529
F 419.698.6150

February 10, 2023

During my absence from the refinery (BP-Husky Refining), from February 13, 2023, through February 15, 2023, Jacob Siefert will have my delegation of authority.

For this period specified, my delegate has my authority for both BP Products NA and BP Husky Refining LLC, for individual transactions and contracts for services. My delegate will copy me on actions taken during my absence.

My delegate will have responsibility for the overall operation of the Toledo Refinery and will serve during this time as the "Responsible Official" as defined in OAC Rule 3745-77-01(JJ) for certifying environmental reports. The BP Toledo Refinery (Facility ID: 04-48-02-0007) meets the criteria outlined in Rule 77-01(JJ) (1) (a) for delegation of this authorization.

A handwritten signature in black ink, appearing to read 'Des Gillen', written over a horizontal dotted line.

Des Gillen